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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,340	02/26/2004	Jeffrey M. Fries	024777.0137PTUS	3970

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EXAMINER
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TIEU, BINH KIEN

ART UNIT	PAPER NUMBER
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2614

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08/22/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/787,340	<b>Applicant(s)</b> FRIES ET AL.	
	<b>Examiner</b> BINH K. TIEU	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-12,14-23,25 and 26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4-12, 14-23, 25-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3-11 and 13-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Cox (US. Pat. #: 6,449,350 *as cited in the previous Office Action*).

**Regarding claim 1**, Cox teaches a computer system for displaying line unit performance details, the system comprising:

a report display component for displaying a line unit performance report (i.e., display terminal 64, figure 4, displaying total usage and number of calls to the line unit (LU), note col.9, lines 4-15);

a line unit performance details component for displaying details regarding line usage information in a telecommunications network (i.e., the display terminal 64 display details of line usage information after input query or request (col.12, lines 1-9), such as traffic data measurement of a single switch component or line unit on 30 minute-time periods for a day or thirty (30) days, as shown in figure 2A, note col.10, lines 21-58); and

a load balance display component for displaying information regarding activity done to balance traffic for network equipment associated with a line unit, the line unit being further

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associated with the line unit performance details in the telecommunications network (note col.11, lines 25-39, col.12, line 1-10 and lines 43-55).

Regarding claim 4-7, Cox further teaches limitations of the claims in figures 5, 6 and 7, note col.12, line 18 through col.13, line 63.

Regarding claim 8, note database 41 in figure 4, col.9, lines 36-64, and col.11, lines 40-60.

Regarding claims 9-10, note figure 1B, col.9, lines 64 through col.10, line 20.

***Regarding claim 11***, Cox teaches a method for displaying line unit performance details in a computerized environment, the method comprising:

displaying a line unit performance report (i.e., display terminal 64, figure 4, displaying total usage and number of calls to the line unit (LU), note col.9, lines 4-15);

receiving a request for line unit performance details (i.e., Query Serve 66 receiving a request to query submitted by a user, col.12, lines 1-9);

displaying the line unit performance details requested (i.e., Query Serve 66 scheduling reports to be displayed, viewed and/or printed, col.12, lines 8-10)

a load balance display component for displaying information regarding activity done to balance traffic for network equipment associated with a line unit, the line unit being further associated with the line unit performance details in the telecommunications network (note col.11, lines 25-39, col.12, line 1-10 and lines 43-55).

Regarding claims 14-18, Cox further teaches limitations of the claims in figures 5, 6 and 7, note col.12, line 18 through col.13, line 63.

Regarding claim 19, note database 41 in figure 4, col.9, lines 36-64, and col.11, lines 40-60.

Regarding claims 20-21, note figure 1B, col.9, lines 64 through col.10, line 20.

***Regarding claim 22***, Cox teaches a computer system for displaying line unit performance details, the system comprising:

means for displaying a line unit performance report (i.e., display terminal 64, figure 4, displaying total usage and number of calls to the line unit (LU), note col.9, lines 4-15);

means for receiving a request for line unit performance details (i.e., Query Serve 66 receiving a request to query submitted by a user, col.12, lines 1-9);

means for displaying the line unit performance details requested (i.e., Query Serve 66 scheduling reports to be displayed, viewed and/or printed, col.12, lines 8-10)

means for displaying load balance display component for displaying information regarding activity done to balance traffic for network equipment associated with a line unit, the line unit being further associated with the line unit performance details in the telecommunications network (note col.11, lines 25-39, col.12, line 1-10 and lines 43-55).

Regarding claim 23, note database 41 in figure 4, col.9, lines 36-64, and col.11, lines 40-60.

Regarding claim 25, Cox further teaches limitations of the claims in figures 5, 6 and 7, note col.12, line 18 through col.13, line 63.

Regarding claim 26, note figure 1B, col.9, lines 64 through col.10, line 20.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 2 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cox (US. Pat. #: 6,449,350) in view of Schneid et al. (US. Pat. #: 5,067,149, ***also cited in the previous Office Action***).

Regarding claims 2 and 12, Cox fails to clearly teaches the line unit performance report displays line usage information by switch modules and line units (line cards) for one or more central offices. However, Schneid et al. ("Schneid") teaches such feature in figure 23, col.12, line 54 - col.13, line 17 for a purpose of remotely controlling characteristics and accesses to different line cards.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the feature of the line unit performance report to display line usage information by switch modules and line units (line cards) for one or more central offices, as taught by Schneid into view of Cox in order to remotely control characteristics of and accesses to different line cards.

### ***Response to Arguments***

5. Applicant's arguments filed 05/27/2008 have been fully considered but they are not persuasive.

In response to the Applicants' argument in their remarks, page 5 wherein the Applicants stated as following:

**"...Claims 1, 11, and 22 have been amended to incorporate limitations from Claims 3, 13, and 24 respectively. Neither the cited portion of Cox (column 12, line 18 through column 13, line 63) nor any other portion of Cox discloses, teaches, or suggests "a load balance display component" or "displaying information regarding activity done to balance traffic" in a network. Claims 1, 11, and 22, as amended, are not disclosed, taught, or suggested by the cited references and are allowable over such cited references...."**

The Examiner respectfully disagrees with the Applicants' arguments as stated above.

According to Cox's reference, column 11, lines 26-39 stated as followings:

***“...Fig.4 shows a traffic engineering system 10 for monitoring and adjusting loads upon the components of SSPs 20, 22 within a network 10...Generally, traffic engineering system 60 aims to ...(3) alerting network engineers to particular components’ under- or over-utilization so that...”***

In this passage, and in the Fig.4, the network engineers are alerted (by displaying via the display/terminal 64 the traffic data) on the particular components, i.e., line card or line unit, about the loads such as under- or over-utilization.

Cox’s reference further teaches in column 12, lines 43-55 as followings:

***"...traffic data for particular low traffic days is eliminated from calculation...while many of the high traffic data days, but not days that are unusually high, are kept...suggest to network engineers that the switch component could handle more traffic...most data is kept and analyzed in order to engineer properly the switch component to handle high loads..."***

In the above passage, Cox clearly teaches a display of the low and high traffic days as line unit or component performance details in the telecommunication network to the network engineers. Cox further teaches that the engineers use of the low and high traffic days to configure the load balance or to handle high loads on the line unit or switch component in the telecommunications network.

Finally, in the Cox’s reference, column 12, lines 1-9 teaches as following:

***"...Display/Terminal 64 and query server 66 allow network 10 traffic managers to run...reports...A single or multiple display terminals 64 allow for report submission and viewing..."***

In the above passage, it is clearly understood that the display/terminal 64 for displaying report, i.e., traffic data, load balance, etc. of a particular switch component so that the network engineers or managers can view and configure high load or load balance in the telecommunication network.



With all above responses to the Applicants arguments, the Examiner believed that the rejection as set forth in the previous Office Action, as well as in this Office Action have been proper. Therefore, the Examiner has maintained the rejections to claims with the Cox's reference for future Board of Appeal purposes.

**6. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).**

A shortened statutory period for response to this final action is set to expire THREE MONTHS from the date of this action. In the event a first response is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for response expire later than SIX MONTHS from the date of this final action.

**Any response to this final action should be mailed to:**

**Box AF**

**Commissioner of Patents and Trademarks  
Washington, D.C. 20231;**

**Or faxed to:**

**(703) 872-9314 or (571) 273-8300 (for formal communications; please mark  
"EXPEDITED PROCEDURE");**

**Or:**

**If it is an informal or draft communication, please label  
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**Hand Carry Deliveries to:**

**Customer Service Window  
(Randolph Building)  
401 Dulany Street  
Alexandria, VA 22314**

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (571) 272-7510 and E-mail address: [BINH.TIEU@USPTO.GOV](mailto:BINH.TIEU@USPTO.GOV).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (571) 272-7499 and **IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL CUSTOMER SERVICE FOR THE SUBSTITUTIONS OR COPIES.**

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the FAIR system, see <http://pair-direct.uspto.gov>. If you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/ **BINH K. TIEU** /  
Primary Examiner  
Technology Division 2614

Date: August 2008